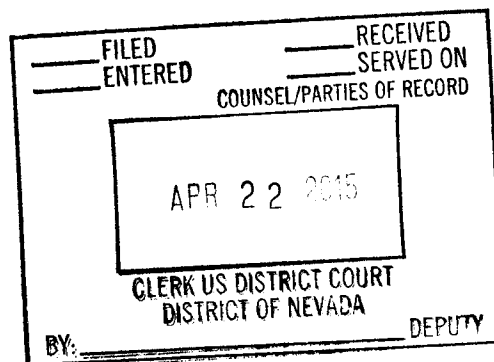


April 17, 2015

Gilberto Martinez-Ovando
c/o: Henderson Detention Center
P.O. Box 95050
Henderson, Nevada 89009



**UNITED STATES FEDERAL DISTRICT COURT
LAS VEGAS, NEVADA**

The matter of)

2:15-cv-00739-JAD-PAL

Gilberto Martinez-Ovando)

Petitioner)

Habeas Corpus

A097 407 510)

MOTION FOR HABEAS CORPUS.

I, **Gilberto Martinez-Ovando** respondent, am writing this motion to the respectful Federal District Court of Las Vegas, Nevada, in regards my detention by the U.S Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), and Enforcement and Removal Operations (ERO), at the City of Henderson Detention Center, since December 10, 2014. I am writing this motion to enforce the **Habeas Corpus under Federal Criminal Code Title 18. USCS.**

I believe that the United States Immigration has detained me and violated the United States Constitution Law, based that my detention is over four (4) months as of today. This is not a matter of just violating my Constitution Right, but they also have violated the **Bail Reform Act 18 USCS Chapter 207. § 3141.** Based on the fact that I have only one (2) misdemeanors on my Criminal History. Moreover, I am not a concern, nor a threat to National Security or Public safety.

Therefore, mandatory detention is not required. Also, as respondent, I have the following reasons and relevant factors why I believe mandatory detention is not required in my particular circumstances.

I, **Gilberto Martinez Ovando** petitioner, have the following facts regarding my United States Immigration Status:

1. I have come to the United States on or about October 26, 1996, by air and I was Inspected by an Immigration Officer at the San Diego International Airport.
2. This Great Nation has been my home since the mentioned arrival.
3. I am a Honorable and Responsible individual with a strong sence of values, and of good moral character.
4. My parents are Senior U.S. Citizens and I have a six (6) year old son namely; Joshua Martinez-Nedelcu born; in Las Vegas Nevada on November 27, 2008, and whose Legal and Physical Custody I share with his Mom (Aurelia M. Nedelcu).
5. My Father filed a Petition / I-130 / for Alien Relative on March 24, 1997.
6. Petition was approved by U.S. Citizenship and Immigration Services / formerly; INS/ on May 19, 1997 (**WAC -97-118-50917**).
7. On 2000 we filed the I-485 Application to Register Permanent Residence or Adjust Status together with all filling fees required at the time.
8. Application was returned by USCIS. Stated with a note that we must wait longer.
9. I as a respondent had a Bond granted by the **Honorable Immigration Judge Jeffrey L. Romig**.
10. I could not afford to pay this Bond due to the fact that I have zero (0) income coming in thanks to this mandatory detention.

11. I as respondent have extremely high concern also because I have not been able to access some extremely important evidence to support my Removal Proceedings Immigration Case.

There is also a great concern, due to the fact that the U.S. DHS/ICE/ERO, have ignored their **Policy Memorandum on Civil Immigration Enforcement: Priorities for the Apprehension, Detention and Removal of Aliens (Number 10072.1) Section (C)(D)(E)** that clearly states that their employees should exercise sound judgement and discretion consistent with these priorities, with particular care when dealing with the immediate family members of U.S. Citizens.

WHEREFORE, respondent **Gilberto Martinez-Ovando**, like to request for parole and/ or supervised release, and/ or any other relief as an alternative to detention. Based on the fact that my family, U.S. Senior Citizens, U.S. Child are extremely hurt from the current circumstances. Based on **USCS 18. § 3142 (a)(1)(b)**.

I Hereby, respectfully ask the Honorable United States Federal District Court of Las Vegas, Nevada, to force the Department of Homeland security (DHS), U.S. Immigration and Customs Enforcement (ICE) and Enforcement and Removal Operations (ERO) to release me on my own recognizance.

Respectfully,

A handwritten signature in black ink, appearing to be 'Gilberto Martinez-Ovando', written over a circular stamp or seal.

Gilberto Martinez-Ovando
(petitioner)

IN THE MUNICIPAL COURT OF THE CITY OF
NORTH LAS VEGAS

COUNTY OF CLARK - STATE OF NEVADA

JUDGMENT OF SENTENCE

DEFENDANT: GILBERTO MARTINEZ-OVANDO COURT: CR008309-14

SSNO: -- DATE OF BIRTH: 04/17/1975

DATE OF ARREST/VIOLATION: 12/07/2014

VIOLATION OF ORDINANCE (S): DOM BATTERY, (1ST)

DATE OF DISPOSITION 12/09/2014 IN OPEN COURT

FINAL CHARGE (S)	CONVICTION	DISPOSITION OF SENT.
DOM BATTERY, (1ST)	PLED NO CONTEST AT ARRAIGNMENT/SENTENCING	\$1000 FINE ASSESSED ORDERED TO ATTEND DOMESTIC VIOLENCE COUNSELING 6 MONTHS ORDERED TO PERFORM COMMUNITY SERVICE 48 HOURS SENTENCE SERVED IN CUSTODY 2 DAYS STAY OUT OF TROUBLE WHILE THIS CASE IS OPEN

K Diaz

COURT CLERK

Sean Hoeffgen

MUNICIPAL JUDGE

CERTIFIED COPY

The document to which this certificate is
attached is a full, true and correct copy
of the original on file and of record in
my office.

DATE 1-29-15

Municipal Court Administrator of the
City of North Las Vegas, State of Nevada.

BY K Diaz

FBI Number:	352038DD2
State ID:	
TID:	E2014344000000060999
Last Name:	MARTINEZ
First Name:	GILBERTO
Middle Name:	
Controlling Agency:	DCD0J01JY
Search Findings:	I
Occupation:	
Treat As Adult:	
Action:	
Residence:	
Employer & Address:	

Response: FEDERAL BUREAU OF INVESTIGATION
 CRIMINAL JUSTICE INFORMATION SERVICES DIVISION
 CLARKSBURG, WV 26306

NVICE0300 ICN E2014344000000060999
 TCN 0048477621

THE ENCLOSED RECORD, DATED 2014/12/10, WITH THE FBI NO. 352038DD2 AND
 NGI CONTROL NUMBER (NCN) E2014344000000060999 IS BEING PROVIDED AS THE
 RESULT OF CRIMINAL RETURN IDENT TEN-PRINT SUBMISSION.

A CRIMINAL HISTORY REQUEST NOTIFICATION(S) WAS SENT BY THE FBI
 TO THE FOLLOWING ORGANIZATIONS, EXCEPT FOR THOSE INDICATING THAT THE
 REFERENCED SUBJECT IS DECEASED.

NEVADA - STATE ID/NV04310011
 FBI - FBI/352038DD2

SINCE THIS RESPONSE CONTAINS NATIONAL FINGERPRINT FILE (NFF) AND/OR III
 PARTICIPANT STATE(S) REGULATED DATA, THE RESPONSE MAY NOT BE COMPLETE.
 HOWEVER THE FBI MAINTAINED DATA FROM THE NON-RESPONDING III PARTICIPANT
 STATE(S) IS INCLUDED IN THE RESPONSE.

NVICE0300
 US IMMIG CUSTOMS ENFORCE
 ICE ERO
 3373 PEPPER LANE

1A715

LAS VEGAS,NV 89120

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION
CLARKSBURG, WV 26306

NVICE0300
TCN 0048477621
AGENCY CASE 169024138

THE FBI IDENTIFIED YOUR TEN-PRINT SUBMISSION WHICH
CONTAINED THE FOLLOWING DESCRIPTORS:

NAME MARTINEZ-OVANDO,GILBERTO
DATE ARRESTED/FINGERPRINTED 2014/12/10

SEX	RACE	BIRTH DATE	HEIGHT	WEIGHT	EYES	HAIR
M	U	1975/04/17	000	UNK	UNK	UNK

STATE ID	BIRTH PLACE
NULL	MEXICO

CITIZENSHIP
MEXICO

OTHER BIRTH DATES	SCARS-MARKS-TATTOOS	SOCIAL SECURITY	MISC NUMBERS
----------------------	---------------------	--------------------	--------------

NONE	NONE	NONE	NONE
------	------	------	------

ALIAS NAME(S)
NONE

END OF COVER SHEET

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION
CLARKSBURG, WV 26306

NVICE0300

ICN E201434400000060999

BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME, A NEW COPY
SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE.

- FBI IDENTIFICATION RECORD -

WHEN EXPLANATION OF A CHARGE OR DISPOSITION IS NEEDED, COMMUNICATE
DIRECTLY WITH THE AGENCY THAT FURNISHED THE DATA TO THE FBI.

NAME	FBI NO.	DATE REQUESTED
MARTINEZ, GILBERTO	352038DD2	2014/12/10

SEX	RACE	BIRTH DATE	HEIGHT	WEIGHT	EYES	HAIR
M	W	1975/04/17	511	200	BLK	BLK

BIRTH PLACE
MEXICO

PATTERN CLASS	CITIZENSHIP
WU AU AU WU WU WU RS LS WU LS	MEXICO

RECORD UPDATED 2014/12/10

ALL ARREST ENTRIES CONTAINED IN THIS FBI RECORD ARE BASED ON
FINGERPRINT COMPARISONS AND PERTAIN TO THE SAME INDIVIDUAL.

THE USE OF THIS RECORD IS REGULATED BY LAW. IT IS PROVIDED FOR OFFICIAL
USE ONLY AND MAY BE USED ONLY FOR THE PURPOSE REQUESTED.

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
CRIMINAL JUSTICE INFORMATION SERVICES DIVISION

CLARKSBURG, WV 26306

NVICE0300

ICN E201434400000060999

SPECIAL INFORMATION

COPIES FOR 'SEND COPY TO' NOT SENT. IF COPIES REQUESTED; YOUR AGENCY SHOULD DISSEMINATE.

ORIG: ITNCIC LEMSOPR NCIC:A\$CHR 12/10/2014-06:20:03
 OID: ITNCIC
 RESP: ARREST (NV0028EAF7C) CJIS:SQCH 12/10/2014-06:20:04

THE FOLLOWING FROM NCJIS CRIMINAL JUSTICE IS A RESULT OF YOUR SQCH INQUIRY ON:
 SID/ NV04310011 FBI/ 352038DD2 PCN/

This information is provided in response to your request:

Requested by: ORI WVFBINF00

Requested FBI: 352038DD2

Requested SID: NV04310011

Purpose: C

This information is based on information in the files of:

Nevada (10 Dec 2014)

This information is provided subject to the following:

(NV) This record is provided in response to your request. Use of the information contained in this record is governed by state and federal law.

(NV) Classification of offenses as felonies, gross misdemeanors or misdemeanors is based upon offense classifications in statutes of the reporting state.

FBI SID Driver License Social Security Dates of Birth
 352038DD2 NV04310011 638-22-5644 04/17/1975

Names Used

MARTINEZ-OVANDO, GILBERTO

MARTINEZ, GILBERTO

OVANDO, GILBERTO

Sex Race Height Weight
 M WHITE 511 210

Eye Color Hair Color Place of Birth Citizenship
 BROWN BLACK US

Miscellaneous Number Fingerprint Classification

Residence

370 CASA NORTE, NORTH LAS VEGAS, NV

Offender Caveats, Notices and Comments

SUMMARY

Caution

NO CAUTIONS ON FILE

Date of Last Reported Event

12/08/2014

Type of Charges Reported Total Reported Total Convictions

Felony 0 0

Gross Misdemeanor 0 0

Misdemeanor 2 0

CRIMINAL HISTORY RECORD PCN/NLDC2035188C

FINGERPRINT BASED RECORD

ARREST DATE: 12/07/2014 AGENCY: NORTH LAS VEGAS POLICE DEPARTMEN

NAME USED: MARTINEZ-OVANDO, GILBERTO

CHARGE 1: DOM BATTERY, 1ST MISDEMEANOR

NEVADA STATUTE NRS 200.485.1

NO DISPOSITION RECORD ON FILE

ARRESTED: NORTH LAS VEGAS POLICE DEPARTMEN ORI: NV0020200

LOCAL NUMBER: 2705882

RECORD CREATED: 12/08/2014 07:28:03 LAST UPDATED: 12/08/2014 09:40:21

***** END OF CRIMINAL HISTORY RECORD *****

CRIMINAL HISTORY RECORD PCN/25112404

FINGERPRINT BASED RECORD

ARREST DATE: 03/21/2009 AGENCY: LAS VEGAS METROPOLITAN POLICE

NAME USED: MARTINEZ, GILBERTO

CHARGE 1: BATTERY DOMESTIC VIOLENCE NO PRIOR CONVICTIONS MISDEMEANOR

NEVADA STATUTE NRS 200.4812A

DISPOSITION DATE: 04/09/2009 DISPOSITION: DENIED

CHARGE: BATTERY/DOMESTIC VIOLENCE MISDEMEANOR

NEVADA STATUTE NRS 200.485 OFFENSE CODE: 02138

CASE #: 09M12302X

NAME USED: MARTINEZ, GILBERTO

ARRESTED: LAS VEGAS METROPOLITAN POLICE ORI: NV0020100

LOCAL NUMBER: 2705882

RECORD CREATED: 03/25/2009 05:35:57 LAST UPDATED: 03/25/2009 05:36:36

***** END OF CRIMINAL HISTORY RECORD *****

WHEN AN EXPLANATION OF A CHARGE OR DISPOSITION IS NEEDED, COMMUNICATE DIRECTLY WITH THE AGENCY THAT FURNISHED THE DATA TO THE NEVADA CRIMINAL HISTORY RECORDS REPOSITORY.

IF FINGERPRINTS DID NOT ACCOMPANY THIS INQUIRY, THE NEVADA CRIMINAL HISTORY RECORDS REPOSITORY IS UNABLE TO GUARANTEE THAT THIS MATERIAL CONCERNS THE INDIVIDUAL IN WHOM YOU ARE INTERESTED.

IN REGARDS TO THE ABOVE NAMES SUBJECT, THIS DOES NOT PRECLUDE THE POSSIBLE EXISTENCE OF ADDITIONAL MATCHED RECORDS IN LOCAL OR FBI IDENTIFICATION DIVISION FILES WHICH ARE NOT INDEXED BY THE NEVADA STATE CRIMINAL HISTORY RECORDS REPOSITORY. THE USE OF THIS INFORMATION IS REGULATED BY LAW. IT IS PROVIDED FOR OFFICIAL USE AND MAY ONLY BE USED FOR THE PURPOSE REQUESTED. NEVADA AGENCIES - REFER TO NRS CHAPTER 179A